

## **II. REMARKS**

### **A. Status of the Claims**

Claims 33-51, 53-67, and 82-88 were pending in the case at the time of the Office Action, with claims 33-49 having been previously withdrawn from consideration. Claims 50, 51, 53-67, 86, and 87 have been allowed. Claim 82 has been amended in the Amendment set forth herein without prejudice or disclaimer. Claims 33-49 have been canceled without prejudice or disclaimer. No new claims have been added. Thus, claims 50-51, 53-67, and 82-87 are currently under consideration.

Support for the amendment of claim 82 can be found generally throughout the specification, such as in the claims as originally filed.

### **B. Interview Summary**

On Wednesday, January 17, 2007, Applicants' representatives, Mark Wilson and Monica De La Paz, held a teleconference with Examiner Christian Fronda to discuss the final Office Action dated November 1, 2006, and a proposed amendment of claim 82, as per the Amendment set forth herein, to address the enablement rejection set forth in the final Office Action. The Examiner agreed to consider the Amendment upon receipt of an Amendment after final Office Action. Applicants' representatives were informed that the Amendment would be considered without the need to file a Request for Continued Examination. No specific agreement was reached regarding the claims.

### **C. The Enablement Rejection Under 35 U.S.C. §112, First Paragraph, Is Overcome**

Claims 82-84 and 88 are rejected under 35 U.S.C. §112, first paragraph, based on reasons of enablement. In particular, the Examiner argues that the specification does not reasonably provide enablement for the full scope of the recited method encompassing any

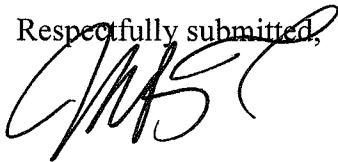
expression vector. The Examiner admits on the record that the specification is enabling for a process using an expression vector comprising a recombinant nucleic acid encoding a glycerol dehydratase having at least 90% amino acid identity with SEQ ID NO:6 or SEQ ID NO:7, a recombinant nucleic acid encoding a dimeric protein comprising a first polypeptide that has at least 90% amino acid identity to SEQ ID NO:6 and a second polypeptide that has at least 90% amino acid identity to SEQ ID NO:7, or a recombinant nucleic acid that has at least 90% amino acid identity to SEQ ID NO:4 and encodes a 1,3-propanediol dehydrogenase comprising an amino acid sequence of at least 90% amino acid identity to SEQ ID NO:8, and appears to suggest that the language set forth in the preamble of the claim regarding the expression vector is not limiting, and that the rejection could be overcome by reciting such limitations in the active steps rather than in the preamble.

Applicants note that step (a) of claim 82 as written now recites “preparation of an expression vector comprising a recombinant nucleic acid encoding a glycerol dehydratase having at least 90% amino acid identity with SEQ ID NO. 6 or SEQ ID NO. 7, a recombinant nucleic acid encoding a dimeric protein having glycerol dehydratase activity comprising a first polypeptide comprising at least 90% amino acid identity to SEQ ID NO. 6 and a second polypeptide comprising at least 90% amino acid identity to SEQ ID NO. 7, or a recombinant nucleic acid that has at least 90% nucleotide identity with SEQ ID NO. 4 and encodes a 1,3-propanediol dehydrogenase comprising an amino acid sequence of at least 90% amino acid identity to SEQ ID NO. 8.” Because claim 82 is in accordance with the scope of a claim which the Examiner considers enabled, this rejection has been overcome, and all claims allowable.

#### **D. Conclusion**

In view of the foregoing, it is respectfully submitted that each of the pending claims is in condition for allowance, and a Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned attorney at (512) 536-3035 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,  


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